



UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

Order Filed on October 1, 2018
by Clerk, U.S. Bankruptcy
Court - District of New Jersey

In re:

JOSEPH T. and YVETTE L. GUARRACINO,

Debtors.

Case No. 14-30441 (SLM)

Chapter 7

Judge Stacey L. Meisel

Hearing Date: September 19, 2018

**ORDER VACATING IN PART APRIL 26, 2018 ORDER
(DOCKET NO. 185) AND DENYING CROSS-MOTION**

The relief set forth on the following pages two (2) through three (3) is hereby **ORDERED**.

DATED: October 1, 2018

A handwritten signature in black ink, appearing to read "Stacey L. Meisel".
Honorable Stacey L. Meisel
United States Bankruptcy Judge

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Debtor: Joseph T. Guerracino and Yvette L. Guerracino
Case No.: 14-30441 (SLM)
Caption of Order: *Order Vacating in Part April 26, 2018 Order (ECF No. 185) and Denying Cross-Motion*

THIS MATTER having been brought on (1) the *Motion to Partially Vacate April 26, 2018 Order and for Sanctions* of Alliance Shippers, Inc. (“**Alliance**”) (ECF No. 195) and (2) the *Cross-Motion for a Determination that Alliance Shippers, Inc. Does Not Have Standing to Contest the Fee Application Filed by the Attorneys for the Trustee* (“**Cross-Motion**”) of Stephen P. Kartzman, the Chapter 7 Trustee (the “**Trustee**”) (ECF No. 196); and the Court having reviewed the submissions on this matter; and having heard the parties’ arguments; and for the reasons set forth on the record; and for good cause shown,

WHEREAS, the Court entered the *Order Resolving Claim 10 Filed by the State of New Jersey Division of Taxation, Claim 5 Filed by Alliance Shippers, Inc., and Providing for Distribution of the Proceeds of the Sale of 1999 International Refrigerated Box Truck*, dated April 26, 2018 (ECF No. 185) (the “**April 26, 2018 Order**”), which contained, among other things, the following sentence in paragraph 2: “Alliance Shippers shall have no further claim against property of the Ch 7 bankruptcy estate.” (the “**Contested Provision**”); and

WHEREAS, the Court finds that it entry of the April 26, 2018 Order with the Contested Provision was entered in error; and

WHEREAS, the Court finds that the Contested Provision should not have been included in the April 26, 2018 Order; **IT IS HEREBY**

ORDERED that, pursuant to Federal Rule Civil Procedure 60(b)(1), incorporated in this bankruptcy case by Federal Bankruptcy Rule 9024, and Federal Bankruptcy Rule 3008, the Contested Provision contained in the April 26, 2018 Order paragraph 2 is hereby vacated, and shall

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Debtor: Joseph T. Guerracino and Yvette L. Guerracino

Case No.: 14-30441 (SLM)

Caption of Order: *Order Vacating in Part April 26, 2018 Order (ECF No. 185) and Denying Cross-Motion*

be deleted and stricken, and instead paragraph 2 shall state the following:

“The Trustee shall pay the sum of \$600 to Alliance Shippers, Inc. on account of its Secured Claim #5 against the 1999 International Refrigerated Box Truck owned by GFP.”

; and it is further

ORDERED, that all other terms and provisions of the April 26, 2018 Order remain in full force and effect; and it is further

ORDERED, the Cross-Motion is denied.

In re:
Joseph T. Guerracino
Yvette L. Guerracino
Debtors

Case No. 14-30441-SLM
Chapter 7

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 1

Date Rcvd: Oct 01, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 03, 2018.

db/jdb +Joseph T. Guerracino, Yvette L. Guerracino, 17 Sycamore Court, Westwood, NJ 07675-3523

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE.

TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 03, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 1, 2018 at the address(es) listed below:

Alla Kachan on behalf of Defendant Joseph T. Guerracino alla@kachanlaw.com
Alla Kachan on behalf of Joint Debtor Yvette L. Guerracino alla@kachanlaw.com
Alla Kachan on behalf of Debtor Joseph T. Guerracino alla@kachanlaw.com
Andrew R. Turner on behalf of Plaintiff Nathel & Nathel courts@turnerlaw.net
Denise E. Carlon on behalf of Creditor THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWMBS, INC., CHL MORTGAGE PASS-THROUGH TRUST 2007-18, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-18 dcarlon@kmllawgroup.com, bkgroup@kmllawgroup.com
Dipesh Patel on behalf of Plaintiff Joseph T. Guerracino dipesh.patel@saul.com
Dipesh Patel on behalf of Debtor Joseph T. Guerracino dipesh.patel@saul.com
Dipesh Patel on behalf of Joint Debtor Yvette L. Guerracino dipesh.patel@saul.com
Dipesh Patel on behalf of Plaintiff Yvette L. Guerracino dipesh.patel@saul.com
Joseph R Zapata, Jr. on behalf of Trustee Steven P. Kartzman jzapata@msklaw.net
Joseph R Zapata, Jr. on behalf of Attorney Mellinger, Sanders & Kartzman, LLC jzapata@msklaw.net
Joshua I. Goldman on behalf of Creditor THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWMBS, INC., CHL MORTGAGE PASS-THROUGH TRUST 2007-18, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-18 jgoldman@kmllawgroup.com, bkgroup@kmllawgroup.com
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Mina M Beshara on behalf of Creditor THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWMBS, INC., CHL MORTGAGE PASS-THROUGH TRUST 2007-18, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-18 nj-ecfmail@mwc-law.com
Nicole Alison Corona on behalf of Trustee Steven P. Kartzman ncorona@msklaw.net
Ronald Horowitz on behalf of Creditor Alliance Shippers Inc., rhorowitz@alliance.com
Ronald Horowitz on behalf of Defendant Alliance Shippers, Inc., rhorowitz@alliance.com
Ronald Horowitz on behalf of Non Compliance Ronald Horowitz, rhorowitz@alliance.com
Ronald Horowitz on behalf of Plaintiff Alliance Shippers, Inc., rhorowitz@alliance.com
Stephen B. Ravin on behalf of Plaintiff Yvette L. Guerracino sravin@saul.com, jgillman@saul.com
Stephen B. Ravin on behalf of Debtor Joseph T. Guerracino sravin@saul.com, jgillman@saul.com
Stephen B. Ravin on behalf of Plaintiff Joseph T. Guerracino sravin@saul.com, jgillman@saul.com
Stephen B. Ravin on behalf of Joint Debtor Yvette L. Guerracino sravin@saul.com, jgillman@saul.com
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jzapata@msklaw.net;nj16@ecfcbis.com;jloewenstein@msklaw.net

TOTAL: 26